
A BILL FOR AN ACT

RELATING TO METROPOLITAN PLANNING ORGANIZATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **METROPOLITAN PLANNING ORGANIZATIONS**

6 **§ -1 Statement of purpose.** The legislature finds that
7 23 United States Code sections 134-135 and 49 United States Code
8 sections 5303-5304, as amended, and federal regulations adopted
9 pursuant thereto, and other federal laws require that
10 metropolitan planning organizations be designated based on a
11 minimum population threshold as defined in federal law to act as
12 a decision-making agency and to receive certain funds for the
13 purpose of carrying out a continuing, cooperative, and
14 comprehensive transportation planning process.

15 Metropolitan planning organizations have their own policy
16 board and staff. It is the responsibility of the policy board
17 to make decisions that are the result of the continuing,



1 cooperative, and comprehensive transportation planning process,
2 and the organization's staff support and provide technical
3 resources to the policy board. The continuing, cooperative, and
4 comprehensive planning process is designed to provide both
5 orderly and reasoned metropolitan transportation planning within
6 the framework of federal law, and adequate and informed
7 representation from state and county governments, operators of
8 public transportation receiving federal funds, the public at
9 large, and others as identified in 23 Code of Federal
10 Regulations section 450 subpart C.

11 **§ -2 Definitions.** For purposes of this chapter:

12 "Comprehensive agreement" means the executed agreement
13 between the member jurisdictions or authorities of a
14 metropolitan planning organization concerning the organization
15 and structure of the metropolitan planning organization, the
16 roles and responsibilities of its member jurisdictions or
17 authorities, and the provision of funding and membership dues.

18 "Employees" means an executive director of a metropolitan
19 planning organization, and all staff of a metropolitan planning
20 organization.



1 "Member jurisdiction or authority" means a local or state
2 jurisdiction or a local or regional authority that has entered
3 into a comprehensive agreement to support the metropolitan
4 planning process and that is provided representation on the
5 metropolitan planning organization's policy board.

6 "Metropolitan planning organization" means a metropolitan
7 planning organization designated or redesignated under 23 United
8 States Code section 134, as amended.

9 "Policy board" means the policy decision-making body of a
10 metropolitan planning organization.

11 "Transportation management area" means a transportation
12 management area identified and designated pursuant to 23 United
13 States Code section 134, as amended.

14 **§ -3 Establishment of metropolitan planning**

15 **organizations; duties.** (a) Metropolitan planning organizations
16 shall be designated pursuant to 23 United States Code section
17 134(d)(1) and shall meet all requirements of 23 United States
18 Code sections 134-135 and 49 United States Code sections 5303-
19 5304, as amended, and any federal regulations adopted pursuant
20 thereto.

21 (b) A metropolitan planning organization shall:



- 1 (1) Operate according to executed comprehensive
2 agreements, including any supplemental agreements,
3 between the State, county, and other operators of
4 public transportation receiving federal funds; and
- 5 (2) Facilitate and support the continuing, cooperative,
6 and comprehensive transportation planning process
7 between the State, county, and other operators of
8 public transportation receiving federal funds,
9 including the consideration of projects and strategies
10 that support national planning factors as defined in
11 23 United States Code section 134, regional goals and
12 objectives, and consideration of plans and planning
13 activities of others as they affect transportation.
- 14 (c) A metropolitan planning organization may:
- 15 (1) Assign to staff members duties not defined or
16 designated by federal law, this chapter, or executive
17 agreement;
- 18 (2) Enter into agreements with the State, county, other
19 operators of public transportation receiving federal
20 funds, and other entities as needed to fully comply
21 with all requirements of federal law and this chapter;



- 1 (3) Be placed within a state or county agency, as
2 appropriate, for administrative purposes only;
- 3 (4) Contract to purchase goods and services, including
4 professional and technical assistance and advice;
- 5 (5) Contract for or accept revenues, compensation,
6 proceeds, and gifts or donations or grants in any form
7 from any public agency; and
- 8 (6) Contract with other state or local agencies and quasi-
9 public or private organizations for the use of their
10 staff resources to assist the metropolitan planning
11 organization in its functions.

12 **§ -4 Transportation management area metropolitan**
13 **planning organizations.** (a) Pursuant to 23 United States Code
14 section 134(k), a metropolitan planning organization serving an
15 urban area with a population of 200,000 or more shall be
16 designated a transportation management area.

17 (b) Transportation management area metropolitan planning
18 organizations shall be attached to the department of
19 transportation for administrative purposes only. The respective
20 policy boards and not the department of transportation shall be
21 responsible for the management of transportation management area



1 metropolitan planning organizations as it pertains to 23 United
2 States Code sections 134-135 and 49 United States Code sections
3 5303-5304. The various roles and responsibilities of
4 transportation management area metropolitan planning
5 organizations and the department of transportation regarding the
6 administration of the transportation management area
7 metropolitan planning organization may be further defined by
8 agreement between the two entities.

9 (c) This chapter shall apply to transportation management
10 area metropolitan planning organizations.

11 (d) Notwithstanding any law to the contrary,
12 transportation management area metropolitan planning
13 organizations shall be exempt from section 26-35, except
14 subsections (a)(7) and (8), and (b).

15 **§ -5 Transportation management area metropolitan**
16 **planning organization revolving funds.** (a) There is
17 established in the state treasury for the department of
18 transportation a revolving fund to be known as the
19 transportation management area metropolitan planning
20 organization revolving fund which shall be administered by the



1 director of transportation in accordance with federal law and
2 into which shall be deposited:

3 (1) Member financial dues;

4 (2) All revenues from the operations of the transportation
5 management area metropolitan planning organization;

6 (3) Appropriations by the legislature out of the state
7 highway fund to the metropolitan planning organization
8 revolving fund;

9 (4) Federal funds or grants; and

10 (5) Gifts, grants, and any other moneys made available to
11 the fund.

12 (b) Moneys in the transportation management area
13 metropolitan planning organization revolving fund shall be
14 expended by the Oahu metropolitan planning organization for
15 purposes of transportation planning in accordance with federal
16 law; provided that the Oahu metropolitan planning organization
17 shall report annually to the legislature no later than twenty
18 days prior to the convening of each regular session starting
19 with the regular session of 2016 on a detailed accounting of the
20 activities of their respective revolving fund for the previous
21 year.



1 **§ -6 Metropolitan planning organization policy boards;**
2 **membership and meetings.** (a) Policy board membership shall be
3 established by comprehensive agreement, including any applicable
4 supplemental agreements and bylaws.

5 (b) As appropriate, any agreement or committee bylaws that
6 establish policy board membership may also include
7 specifications regarding ex-officio membership, terms and term
8 limits of members, member alternates, quorum, and other
9 considerations as permitted by law.

10 **§ -7 Staff and funding.** (a) Each policy board shall
11 appoint a full-time executive director of the metropolitan
12 planning organization who shall be independent of state and
13 county agencies, notwithstanding any other law to the contrary.
14 Duties of the executive director may be established by the
15 policy board or in the comprehensive agreement.

16 (b) A policy board may employ staff as needed. The
17 executive director shall be responsible for the hiring and
18 management of staff. The executive director and staff for a
19 metropolitan planning organization shall not be subject to
20 chapter 76. All other benefits generally applicable to the
21 officers and employees of the State shall apply to staff members



1 of the metropolitan planning organization and be retroactive to
2 the effective date of initial hiring for existing staff.

3 (c) All employees of a metropolitan planning organization
4 shall be exempt from chapter 76 but shall be eligible to receive
5 the benefits of any state or federal employee benefit program
6 generally applicable to officers and employees of the State.

7 **§ -8 Member financial dues.** (a) The policy board shall
8 identify the member financial dues necessary to sustain the
9 metropolitan planning organization. The member financial dues
10 shall be provided by interagency agreement with the members.

11 (b) Member financial dues received by a metropolitan
12 planning organization shall be to fund the unified planning work
13 program.

14 (c) A policy board may allocate collective financial
15 resources to fund a unified planning work program.

16 **§ -9 Meetings.** (a) Notwithstanding any law to the
17 contrary, meetings of policy boards, advisory committees, or
18 subcommittees shall be subject to part I of chapter 92.

19 (b) Participation by members of any other board in a
20 meeting of a policy board shall be permitted interaction as
21 provided in section 92.2.5(h).



1 (c) Less than a quorum of policy board members may discuss
2 metropolitan planning organization business, without limitation,
3 outside of a duly noticed meeting of the policy board.

4 (d) A majority of the membership of a policy board or
5 committee of a policy board shall constitute a quorum to do
6 business.

7 **§ -10 Conflict between laws.** If a conflict between any
8 provision of this chapter and any federal law or regulation
9 relating to metropolitan planning organizations arises, federal
10 law or regulation shall govern.

11 **§ -11 Annual reports.** A metropolitan planning
12 organization shall submit an annual report to the legislature of
13 all activities conducted by the organization during the year
14 immediately preceding the submission of the report. The annual
15 report shall be submitted to the legislature no later than the
16 last day of the month of January."

17 SECTION 2. Section 279A-8, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[+]§279A-8 [Oahu] Metropolitan [Planning Organization,]
20 planning organization; effect on funding.[+] The provisions of
21 this chapter do not affect the entitlement of the [Metropolitan



1 ~~Planning Organization]~~ metropolitan planning organization for
2 ~~[the island of Oahu]~~ any county to unconditionally receive and
3 administer transportation planning funds pursuant to ~~[Section~~
4 ~~112 of the Federal Aid Highway Act of 1973.]~~ 23 United States
5 Code section 134, as amended."

6 SECTION 3. Chapter 279E, Hawaii Revised Statutes, is
7 repealed.

8 SECTION 4. There is appropriated out of the state highway
9 fund the sum of \$ or so much thereof as may be necessary
10 for fiscal year 2015-2016 and the same sum or so much thereof as
11 may be necessary for fiscal year 2016-2017 to be deposited into
12 the metropolitan planning organization revolving fund.

13 SECTION 5. There is appropriated out of the metropolitan
14 planning organization revolving fund the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2015-2016 and
16 the same sum or so much thereof as may be necessary for fiscal
17 year 2016-2017 for the purposes of this Act.

18 The sums appropriated shall be expended by the department
19 of transportation for the purposes of this Act.



1 SECTION 6. No officer or employee affected by this Act
2 shall suffer any loss of employment, seniority, benefit, leave,
3 service credit, or other emolument as a consequence of this Act.

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

Metropolitan Planning Organizations

Description:

Creates a new chapter in HRS relating to metropolitan planning organizations. Requires an annual report. Repeals chapter 279E, HRS. Appropriates funds. (SB1180 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

